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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/727,847

12/04/2003

Shahid R. Chaudry

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RESEARCH IN MOTION, LTD
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SUITE 180
IRVING, TX 75062

EXAMINER

ELCENKO, ERIC J

ART UNIT

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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/727,847	Applicant(s) CHAUDRY ET AL.	
	Examiner Eric Elcenko	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive. In regard to Claims 1-14. The applicant argues against the combination of Boland and Kaplan. The ideas claimed by the applicant are fully taught in the combination of Boland and Kaplan. Combining Kaplan and Boland does not teach away from Boland. The comparison and stored information taught by Kaplan is still completed on the mobile device. The message traffic is still reduced when switching cells. The claimed subject matter does not contain any relevant subject matter pertaining to the switching over from cells and the retransmission of the voicemail data. The claimed subject matter deals with the replication of voicemail notifications/messages being alerted to the user, which the combination of Boland and Kaplan teach.

In regard To claims 15-42, if the user has retrieved a message, there is no reason to send a notification of the message to the user. If the user has not retrieved the message then a notification should be sent to alert the user of a new voice message.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boland (U.S. Pub. No. 2004/0266403) in view of Kaplan (U.S. Pat. No. 6,032,039)

In regard to Claims 1-5, Boland teaches a message waiting notification update system. This invention relates to cellular communication networks and in particular to a system that provides message waiting notification update messages to mobile subscriber stations that roam among a number of Mobile Switching Centers within the cellular communication network. The subscriber's Home Location Register (HLR) transmits information to the serving Mobile Switching Center indicative of the number of messages waiting for retrieval by the subscriber at the mobile subscriber station. The serving Mobile Switching Center uses the forward control (paging) channel to transmit this message waiting data to the mobile subscriber station. The mobile subscriber station acknowledges receipt of the message received on the forward control channel and the presence of the unread message waiting information. The Visited Location Register in the serving Mobile Switching Center is updated to indicate that the mobile subscriber station has been notified about the presence of unread messages. (Para 1,2) the serving Mobile Switching Center 102 compares the message waiting information contained in the Registration Notification Return Result message with the message waiting data stored in the Visited Location Register 112 for this subscriber. If the number of unread messages and acknowledgements identified by the subscriber's Home Location Register 111 matches the data stored in the Visited Location Register 112 for the number of unread messages acknowledged by the mobile subscriber station

120, processing ends at step 212. If the serving Mobile Switching Center 102 determines the presence of unacknowledged unread messages, then at step 213 the serving Mobile Switching Center 102 uses the forward control (paging) channel of the radio link (path 4) to the mobile subscriber station 120 to transmit this message waiting data to the mobile subscriber station 120. The mobile subscriber station 120 at step 214 acknowledges receipt of the message received on the forward control channel via path 5 and the presence of the unread message waiting information. (Para 14) If the mobile subscriber station roams to a new MSC the mobile registration is initiated. If no new messages have arrived for the subscriber since the previous registration, then at step 211 the number of messages previously acknowledged matches the number of unread messages queued for the subscriber and the message waiting notification process exits at step 212. If new messages have arrived for the subscriber since the previous registration, then at step 214, data indicative of the updated number of unread messages is transmitted to the mobile subscriber station 120 and processing proceeds as described above. (Para 19)

Boland does not disclose the information being contained at mobile device.

Kaplan discloses a wireless communication device 100 includes a message number storage area 134. The message number storage area contains a data value indicative of the number of unread voicemail messages awaiting the user of the wireless communication device 100.

It would have been obvious to one of ordinary skill in the art to modify Boland to include the teachings of Kaplan in order to provide a local access to information

regarding voicemail and messaging incase it goes out of range of a coverage area, it will still be able to access how many messages and when reconnected immediately know if new ones are available.

In regard to Claims 6-14, it is obvious to one of ordinary skill in the art that the limitations listed as a timestamp, audio and visual notifications of tones and icons or popups which include whether it is a voicemail or personal message and the number of messages waiting is obvious and well known in the art.

3. Claims 15- 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boland (U.S. Pub. No. 2004/0266403) in view of Homan et al. (U.S. Pat. No. 6,317,485)

In regard to Claim 15, 24 and 34, Boland teaches a message waiting notification update system. This invention relates to cellular communication networks and in particular to a system that provides message waiting notification update messages to mobile subscriber stations that roam among a number of Mobile Switching Centers within the cellular communication network. The subscriber's Home Location Register (HLR) transmits information to the serving Mobile Switching Center indicative of the number of messages waiting for retrieval by the subscriber at the mobile subscriber station. The serving Mobile Switching Center uses the forward control (paging) channel to transmit this message waiting data to the mobile subscriber station. The mobile subscriber station acknowledges receipt of the message received on the forward control channel and the presence of the unread message waiting information. The Visited Location Register in the serving Mobile Switching Center is updated to indicate that the

mobile subscriber station has been notified about the presence of unread messages. (Para 1,2) the serving Mobile Switching Center 102 compares the message waiting information contained in the Registration Notification Return Result message with the message waiting data stored in the Visited Location Register 112 for this subscriber. If the number of unread messages and acknowledgements identified by the subscriber's Home Location Register 111 matches the data stored in the Visited Location Register 112 for the number of unread messages acknowledged by the mobile subscriber station 120, processing ends at step 212. If the serving Mobile Switching Center 102 determines the presence of unacknowledged unread messages, then at step 213 the serving Mobile Switching Center 102 uses the forward control (paging) channel of the radio link (path 4) to the mobile subscriber station 120 to transmit this message waiting data to the mobile subscriber station 120. The mobile subscriber station 120 at step 214 acknowledges receipt of the message received on the forward control channel via path 5 and the presence of the unread message waiting information. (Para 14) If the mobile subscriber station roams to a new MSC the mobile registration is initiated. If no new messages have arrived for the subscriber since the previous registration, then at step 211 the number of messages previously acknowledged matches the number of unread messages queued for the subscriber and the message waiting notification process exits at step 212. If new messages have arrived for the subscriber since the previous registration, then at step 214, data indicative of the updated number of unread messages is transmitted to the mobile subscriber station 120 and processing proceeds as described above. (Para 19)

Boland does not disclose a flag on a voicemail message.

Homan et al. teaches a method including checking a flag in the messaging system receiving the one message to determine if the subscriber has retrieved the one message and resetting the counter in the messaging system receiving the one message to zero when the subscriber has retrieved the one message.

It would have been obvious to one of ordinary skill in the art to modify Boland to include adding a flag to messages for notifications as taught by Homan et al. in order to have a more reliable counting system.

In regard to Claims 16-23, it is obvious to one of ordinary skill in the art that the limitations listed as a timestamp, audio and visual notifications of tones and icons or popups which include whether it is a voicemail or personal message and the number of messages waiting is obvious and well known in the art.

In regard to Claims 25-26 and 35-36, Homan teaches checking a flag in the messaging system to determine if said subscriber has received the one message. A flag could be used as "checked" to mean acknowledged or "unchecked" to mean acknowledge. The direction of the flagging depends more upon the setup of the software and hardware than any direct user ability to define this as it is simply a system check. (clms)

In regard to Claims 27-28, 30, 37-38, and 40 Boland discloses the mobile being connected with multiple MSCs to be in contact with multiple VLRs and its own HLR to inform the mobile device of any new messages incoming. (Para 2)

In regard to Claims 29, 31-32, and 39-41 Boland teaches the notification system maintains an accurate count of the number of unread messages waiting and the number of unread messages acknowledged by the mobile device. (Para 14)

In regard to Claims 33 and 42, Boland teaches at step 211, if the number of message previously acknowledged matches the number of unread messages the notification process exits. If new messages arrive, then the notification is sent to the mobile device. (Para 17-20)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Elcenko whose telephone number is (571) 272-8066. The examiner can normally be reached on M-F 7:30 AM through 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ee



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